



Deval L. Patrick  
Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*One Ashburton Place, Room 1301*

*Boston, Massachusetts 02108-1618*

*Phone (617) 727-3200*

*Fax (617) 248-0813*

*TTY (617) 727-0019*

[www.mass.gov/dps](http://www.mass.gov/dps)

Andrea J. Cabral  
Secretary

Thomas G. Gatzunis, P.E.  
Commissioner

### **Board of Elevator Regulations – Hearing Minutes – November 5, 2013**

This meeting was held in accordance with G. L. c. 30A, §§18-25, the Open Meeting Law

#### **Present:**

Walter Zalenski, Chair

Cheri Davis, Member

Thomas Riley, Member

John O'Donoghue, Member

Michael Nicoloro, Member

Susan Genduso, DPS

#### **Absent:**

Harold McGonagle, Member

Kevin McGettigan, Member

David Gaudet, Member

Meeting is called to order and board members are introduced by Walter Zalenski – a quorum is present

#### **Minutes:**

- Review of Minutes of October 29, 2013  
Motion by: Cheri Davis to accept the minutes as read, with correction to the date  
Seconded by: Michael Nicoloro  
Vote: 5-0, **Minutes accepted**

#### **Petitions Heard:**

##### **I. 8 Blakelin Street, Lawrence - 149-V-463**

**524 CMR – 2012, Section 32.06 (3) – Horizontal clearance and hoistway clearance**

**Owner: Lawrence Serve Pro, 8 Blakelin Street, Lawrence, MA**

**Petitioner: Eric White, Lawrence Serve Pro**

Petitioner is seeking a variance for horizontal clearance exceeding 4" (inside of door to platform) and for installing baffles on inside of landing doors. A motion is put forth by John O'Donoghue to put the petition on hold until November 19, 2013 to allow time for petitioner to provide dimensions and to identify the codes for which he is seeking a variance.

Motioned by: John O'Donoghue

Seconded by: Cheri Davis

Vote: 5 – 0, **Variance on hold**

##### **II. 33 High Road, Newbury, Unit 3 – Installation of residential elevator**

**Owner: Federal Street Partners, 19 Federal Street, Newbury Port, MA**

**Petitioner: Dolores Person, Federal Street Partners**

**"No Show" hearing is rescheduled for November 26, 2013**

**III. 49 Dover Street, Somerville – 274-P-62**

**A17 – 1996, 211.3 (a) and 211.3 (c) - Fire Service**

**Owner: Kingsley Orchard Realty Tr. c/o Action Vest Management Corp., 1667 Comm. Ave. Brighton**

**Petitioner: Kingsley Orchard Realty Trust**

Petitioner is seeking relief from item # 3 on Inspector's Report #136437 dated August 15, 2013 citing fire service. A motion is put for the by John O'Donoghue to grant the relief because fire service was not required when the elevator was installed. DPS will abate item #3 only on the work order. Items #1 (code data plate missing) and Item # 2 (no working emergency phone) must be corrected prior to re-inspection.

Motioned by: John O'Donoghue

Seconded by: Thomas Riley

Vote: 5-0 **Relief Granted**

**IV. 1 South Station, Boston**

**A17.1- 2004, 2.2.1, 2.2.7 and 2.4.1 – Pit depth**

**Owner: Equity Office, 125 Summer Street, Boston, MA**

**Petitioner: Eric T. Morse, VDA**

Petitioner is seeking a variance from A17.1-2004, 2.2.1, 2.2.7 and 2.4.1 for the installation of a new elevator with insufficient pit depth. A motion is put forth by Thomas Riley to grant the petition as requested with the installation of an electrically activated safety bumper system.

Motioned by: Thomas Riley

Seconded by: John O'Donoghue

Vote: 5-0 **Variance granted**

**Variance Review:**

**3 Washington Square, Haverhill – 128-P-165**

**524 CMR - 2012 § 17.02 (12) and 17.13 (8) – Wood support beams and machine room fire rating**

**Owner: Mark J. Warner, Witmer, Karp, Warner & Ryan, LLP, 22 Batterymarch St. Boston 02109**

**Petitioner: Mark J. Warner, Trustee, Witmer, Karp, Warner & Ryan LLP**

Petition was originally heard on October 1, 2013 seeking relief from Inspector's Report #135896 dated May 10, 2013, citing that all overhead machinery and sheaves shall be supported on steel beams, not on existing wood beams, and that all wood in the machine room must be fire rated. The request was put on hold pending the submission of a stamped and signed report from a license Massachusetts engineer verifying the physical viability of the wood and that the wood beam can carry the load of the elevator. Petitioner submitted the engineer's report with an apparent error regarding load bearing weight. A motion was put forth by John O'Donoghue to grant the relief for the wood beams to remain and for the machine room fire rating with conditions. **\*Conditions** – The petitioner must submit a new signed and stamped engineer's report with corrected load bearing data and petitioner must replace existing door in machine room with code compliant door and must patch seams in walls achieving as much fire rating as possible.

Motioned by: Thomas Riley

Seconded by: John O'Donoghue

Vote: 5-0 **Relief granted \*with conditions**

**Exhibit List:**

Exhibit 1: Petition packet for 49 Dover Street, Somerville

Exhibit 2: Petition packet for 1 South Station, Boston

Exhibit 3: Petition packet for 3 Washington Square, Haverhill

A motion was put forth to adjourn the meeting by Cheri Davis, motion seconded by John O'Donoghue, all in favor.  
Meeting adjourned at 2:35pm.

Prepared by: Susan Genduso  
November 7, 2013